

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA . Criminal No. 1:20mj114  
 .  
 vs. . Alexandria, Virginia  
 . March 20, 2020  
 ZACKARY ELLIS SANDERS, . 2:16 p.m.  
 .  
 Defendant. .  
 .  
 . . . . .

TRANSCRIPT OF INITIAL APPEARANCE, PRELIMINARY HEARING,  
AND DETENTION HEARING  
BEFORE THE HONORABLE JOHN F. ANDERSON  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE GOVERNMENT: WILLIAM G. CLAYMAN, AUSA  
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Alexandria, VA 22314

FOR THE DEFENDANT: STEVEN J. MC COOL, ESQ.  
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(Pages 1 - 25)

(Proceedings recorded by electronic sound recording, transcript  
produced by computerized transcription.)

I N D E X

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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WITNESS ON BEHALF OF  
THE GOVERNMENT:

SA Jeremy Obie	6	8		
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WITNESS ON BEHALF OF  
THE DEFENDANT:

Dr. Risa Edwards Sanders	18	19	21	
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EXHIBITSMARKEDRECEIVEDGOVERNMENT'S:

No. 1		8
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1 P R O C E E D I N G S

2 THE CLERK: United States of America v. Zackary  
3 Sanders, Case No. 20mj114.

4 MR. CLAYMAN: Good afternoon, Your Honor. Bill  
5 Clayman for the United States.

6 THE COURT: Thank you, Mr. Clayman.

7 (Defendant present.)

8 MR. MC COOL: Good afternoon, Your Honor. My name is  
9 Steven McCool. I represent Zackary Sanders, who is now present  
10 before the Court.

11 THE COURT: Thank you, Mr. McCool.

12 Okay. Mr. Sanders, let me explain to you why you've  
13 been -- stand, please, sir. Let me explain to you why you've  
14 been arrested and brought into court here and what we're going  
15 to be doing this afternoon. A criminal complaint and arrest  
16 warrant was issued this week charging you with certain  
17 offenses. The government is going to explain to you what those  
18 offenses are and what the penalties are if you're found guilty  
19 of those charges.

20 You've got counsel who's made an appearance for you,  
21 which is one thing that I typically have to make sure is taken  
22 care of. After we've, we've been informed of the charge or  
23 charges that have been brought against you, we're going to talk  
24 about setting this matter down for a further hearing as to  
25 whether there is probable cause for the charge that's been

1 brought against you if necessary, and then we'll talk about  
2 whether you're going to be remaining in custody pending the  
3 trial of the case.

4 At this time, counsel for the government will inform  
5 you of the charge that's been brought against you and the  
6 penalty you'll face if found guilty of that charge.

7 MR. CLAYMAN: Your Honor, the defendant has been  
8 charged by criminal complaint with one count of production of  
9 child pornography, in violation of 18 U.S.C., section 2251(a)  
10 and (e). If convicted, he faces a mandatory minimum sentence  
11 of 15 years and a maximum sentence of 30 years; a \$250,000  
12 fine; a mandatory minimum term of supervised release of at  
13 least five years and a maximum term of life; a mandatory \$100  
14 special assessment; and up to an additional \$55,000 in special  
15 assessments.

16 THE COURT: Okay. That's a serious charge. Is the  
17 government seeking detention in this matter?

18 MR. CLAYMAN: We are, Your Honor.

19 THE COURT: Okay. Thank you. All right.

20 All right. So that's the charge that's been brought  
21 against you, as you've heard. It is a very serious one. The  
22 government is seeking detention in this case.

23 Have you-all discussed a possible time for a  
24 preliminary hearing and detention hearing?

25 MR. MC COOL: We have, and, Your Honor, I'm prepared

1 to go today both on probable cause and on detention, and just  
2 given the, the health risks that are out there, I'd urge the  
3 government to move forward today, even if it has to be later  
4 today. I mean, we've had notice of these charges for just a  
5 couple hours and are ready to go, and I'd like to do so now if  
6 possible.

7 THE COURT: Okay. Is the agent here? It's a  
8 presumption case, right?

9 MR. MC COOL: Yes.

10 MR. CLAYMAN: Yes, Your Honor.

11 THE COURT: So, okay.

12 MR. CLAYMAN: The agent is present.

13 THE COURT: Okay. Why don't we go ahead and have the  
14 agent come in, have him sworn in. He can have the affidavit  
15 that is filed in support of the criminal complaint admitted,  
16 and then subject to any cross-examination that's necessary,  
17 okay? I mean, I've reviewed the affidavit that was filed in  
18 support of the criminal complaint, so --

19 MR. MC COOL: I understand, Your Honor.

20 THE COURT: -- we can proceed that way, if that's  
21 acceptable.

22 MR. CLAYMAN: Yes, Your Honor.

23 THE COURT: Okay. Thank you.

24 MR. MC COOL: May my client be seated, sir?

25 THE COURT: Yes. I'm sorry, you may be seated now.

Obie - Direct

6

1 Thank you.

2 MR. CLAYMAN: Your Honor, the United States would  
3 call Special Agent Jeremy Obie.

4 THE COURT: Thank you.

5 SA JEREMY OBIE, GOVERNMENT'S WITNESS, SWORN

6 DIRECT EXAMINATION

7 BY MR. CLAYMAN:

8 Q. Can you please state your name and spell it for the  
9 record.

10 A. Jeremy Obie, J-e-r-e-m-y O-b-i-e.

11 Q. How are you employed?

12 A. As a special agent with the FBI.

13 Q. And how long have you been employed in that position?

14 A. Since March of 2016.

15 Q. Are you the primary agent or one of the agents assigned to  
16 the matter in court today, the United States versus Zackary  
17 Sanders?

18 A. Yes, sir.

19 Q. In the course of your duties, did you have an opportunity  
20 to encounter Zackary Sanders?

21 A. Yes, sir.

22 Q. And do you see Mr. Sanders in the courtroom today?

23 A. Yes, sir.

24 Q. Would you please identify him by what he's wearing and  
25 where he's sitting?

Obie - Direct

7

1 A. He is sitting by the defense counsel, wearing a black  
2 T-shirt with multi-colored squares.

3 MR. CLAYMAN: Your Honor, may the record reflect that  
4 the witness has identified the defendant?

5 THE COURT: Yes. Mr. Sanders has been identified.

6 BY MR. CLAYMAN:

7 Q. Did you prepare an affidavit in support of a criminal  
8 complaint in this matter?

9 A. Yes, sir.

10 Q. With the assistance of the court security officer, I'll  
11 pass up the affidavit, which I provided a copy to defense  
12 counsel.

13 Do you recognize this?

14 A. Yes, sir.

15 Q. What is it?

16 A. It is the criminal complaint and affidavit that I wrote  
17 up.

18 Q. And is that your signature on the last page?

19 A. Yes, sir.

20 Q. Is the information contained in the affidavit a true and  
21 accurate reflection of the facts as known at the time the  
22 affidavit was executed?

23 A. Yes, sir.

24 Q. And do you have any corrections or clarifications that you  
25 would like to make to it at this time?

Obie - Cross

8

1 A. No, sir.

2 Q. And for the purpose of today's hearing, do you incorporate  
3 and adopt the facts as set forth in the affidavit as part of  
4 your testimony?

5 A. I do.

6 MR. CLAYMAN: At this time, Your Honor, the  
7 government would move to admit the criminal complaint affidavit  
8 into the record.

9 THE COURT: Any objection?

10 MR. MC COOL: No, sir.

11 THE COURT: I'll admit that as Government's Exhibit  
12 No. 1.

13 (Government's Exhibit No. 1 was received in  
14 evidence.)

15 MR. CLAYMAN: Nothing further as to probable cause,  
16 Your Honor.

17 THE COURT: Thank you. Okay.

18 MR. MC COOL: May I proceed, Your Honor?

19 THE COURT: Yes, please.

20 MR. MC COOL: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. MC COOL:

23 Q. Good afternoon, Agent. Sir, do you have the copy of the  
24 affidavit in front of you?

25 A. Yes, sir.



Obie - Cross

9

1 Q. Can I direct your attention, if I could, to paragraph 5?  
2 And can you read that to yourself, and when you've finished,  
3 could you look up, please?

4 Now, that paragraph 5, you correctly defined the term  
5 "minor" as defined under the U.S. Code as someone under the age  
6 of 18, correct?

7 A. Correct.

8 Q. And this case purportedly involves video depictions of a  
9 14-year-old; is that right?

10 A. Correct.

11 Q. Okay. Can -- let me direct your attention first to  
12 paragraph 9. Could you read that to yourself, sir?

13 In paragraph 9, you wrote that a certain IP address  
14 was used to access a website that you affirmed to be known as a  
15 website that was used to advertise child pornography; is that  
16 correct?

17 A. Correct.

18 Q. Have you viewed that website?

19 A. Yes, sir.

20 Q. Okay. Isn't it true that at the, at the opening page of  
21 that website, that it says that you must be 18 or over to  
22 access the website?

23 A. I believe so, yes, sir.

24 Q. Okay. And it also says that that website will be -- is  
25 monitored; isn't it true?

Obie - Cross

10

1 A. Which -- so you're --

2 Q. So the, the website that you're referring to here, one  
3 that's purportedly advertised as child pornography, it's your  
4 testimony, as you just stated, that on the opening page, it  
5 says clearly that you must be 18 or over to access that  
6 website, correct?

7 A. The dark web website?

8 Q. The one that you referred to in paragraph 9. I'm not  
9 asking you to read paragraph 9. I'm asking you, having read  
10 that, to focus on my question. It was your testimony a moment  
11 ago that you actually went and observed that website, correct?

12 A. I have observed that website, yes, sir.

13 Q. Okay. And you also testified that in observing that  
14 website, it stated clearly therein that you had to be 18 or  
15 over to access the website; isn't that true?

16 A. They want you to be, but you don't have to be.

17 Q. I understand that, but that warning is posted, correct?

18 A. Yes.

19 Q. All right. And it also posted on the website that that  
20 website is monitored, correct? Do you recall seeing that?

21 A. I don't recall at the moment.

22 Q. Okay. Can I direct your attention to paragraph 19? Can  
23 you read that to yourself, and when you've finished, could you  
24 please look up so that I know that you've finished?

25 THE COURT: Do you want him to read the whole

Obie - Cross

11

1 paragraph? I mean, it's two pages long.

2 MR. MC COOL: It is, Your Honor.

3 THE COURT: Is there any particulatr part of it that  
4 you need to be aware of?

5 MR. MC COOL: Sure.

6 THE COURT: This is a transcript of a, you know, chat  
7 apparently.

8 MR. MC COOL: It is, Your Honor, and I apologize. I  
9 thought that just given that it was a chat, that it would be --  
10 I can focus in, if I may.

11 Q. Page 9, if you could look where Minor, Minor 1 purportedly  
12 states, "I've never been shaved"; is that correct?

13 A. Yes, sir.

14 Q. And there are references throughout the affidavit of this  
15 person that purportedly is a 14-year-old had pubic hair; is  
16 that correct?

17 A. Correct.

18 Q. All right. Is there anywhere in the affidavit showing  
19 that you or anyone else at the FBI reviewed a government-issued  
20 ID or a passport or anything like that that determined whether  
21 or not this individual who purportedly is 14 was actually under  
22 the age of 18?

23 A. We have not viewed any material as such.

24 MR. MC COOL: All right. Nothing further on probable  
25 cause, Your Honor.

Obie - Cross

12

1 THE COURT: Okay.

2 MR. MC COOL: I move to -- I move -- it's my position  
3 that there is no probable cause here.

4 THE COURT: Well, and what would be the basis for  
5 that given the affidavit in support of the criminal complaint  
6 in which this chat said that the person they're discussing says  
7 that that person is 14 years or under?

8 MR. MC COOL: Well --

9 THE COURT: Isn't that probable cause?

10 MR. MC COOL: It's our view that it isn't, Your  
11 Honor, because it simply --

12 THE COURT: All right. Well, it's, it's my  
13 determination.

14 MR. MC COOL: -- it could be an instance of  
15 role-playing.

16 Yes, sir. And, I'm sorry, I didn't want to talk over  
17 Your Honor.

18 THE COURT: Well, I mean, there is the person who has  
19 been communicating, saying that they're 14.

20 A VOICE: May I --

21 MR. MC COOL: No, you cannot.

22 THE COURT: No, you can't.

23 MR. MC COOL: That's true, Your Honor. That's in the  
24 affidavit, but --

25 THE COURT: Okay.

Obie - Cross

13

1 MR. MC COOL: -- it's our position that the code  
2 requires more.

3 It requires that the person actually be under the age  
4 of 18, and this at most shows role play is, is our position.

5 THE COURT: Okay.

6 MR. MC COOL: It does not make out probable cause to  
7 make out a violation of the statute --

8 THE COURT: Okay.

9 MR. MC COOL: -- as charged.

10 THE COURT: All right. You can step down. I don't  
11 need to hear any more from you.

12 (Witness excused.)

13 THE COURT: Any other argument on probable cause?

14 MR. MC COOL: No. That's what I have, Your Honor.

15 THE COURT: Sir, stand. Sir, I've reviewed the  
16 affidavit that's been filed in support of a criminal complaint.  
17 It's clear based on the affidavit -- and this is not proving a  
18 case beyond a reasonable doubt. It's whether there is at least  
19 probable cause for the charge that's been brought against you.  
20 There certainly is probable cause on the charge that's been  
21 brought against you, so the case is going to be proceeding as  
22 charged, based on the information that's contained in the  
23 affidavit concerning your conduct and communications with this  
24 individual and everything else that's in the affidavit.

25 So do you make any argument on detention?

1 MR. MC COOL: Yes. May I?

2 THE COURT: Okay. Yes.

3 MR. CLAYMAN: Thank you, Your Honor. May I proceed?

4 THE COURT: Please.

5 MR. MC COOL: Thank you, sir. Your Honor, under  
6 3142, as, as the Court well knows, a person shall be released  
7 unless it is found that he is a danger to the community or  
8 likely to flee, and that detention will only be ordered in  
9 those cases where there are no combination of conditions of  
10 release that would reasonably assure the safety of the  
11 community or my client's appearance.

12 And the Supreme Court in *Salerno* has made clear  
13 that --

14 THE COURT: Isn't this a presumption case?

15 MR. MC COOL: It is, Your Honor, and I --

16 THE COURT: Well, then it's your duty to overcome  
17 that presumption by giving me evidence before I even get to  
18 that part of the analysis, all right?

19 MR. MC COOL: That's right. It does fall under  
20 3142(e), Your Honor. We recognize that, and it is a  
21 presumption case. And still, you know, courts have found that  
22 it's not a heavy burden to meet, and looking at the 3142  
23 factors, we submit that there is evidence to rebut the  
24 presumption.

25 The nature of the charges, Your Honor, they're

1 clearly disturbing and upsetting. They are just that, charges  
2 at this point.

3 While Your Honor has, has not accepted our probable  
4 cause argument, I think in terms of, of recognizing or looking  
5 at the nature and circumstances of the case, that it is one  
6 that raises some concern whether or not the government will be  
7 able to make its burden of proof at trial, and that it's not  
8 simply just role-playing here.

9 My client's history and characteristics favor a  
10 release. He was born and raised in Virginia. He graduated  
11 from high school here in 2013. He graduated from the New York  
12 University with a degree in drama. He's had no history of  
13 violence, no history of drug or alcohol use. I think the  
14 evidence would show that he's a victim of intense bullying as  
15 he was growing up.

16 He lives with his parents, Dr. Jay Sanders and  
17 Dr. Risa Sanders. Both are here in, in court, are willing to  
18 serve as third-party custodians.

19 Your Honor, any -- he has no criminal history at all.  
20 Any danger to the community can be mitigated, we would submit,  
21 through the travel restrictions, avoiding contact with alleged  
22 victims, reporting regularly to pretrial, and curfew,  
23 electronic monitoring. Any of those conditions would work,  
24 Your Honor.

25 I think also, if I may, Your Honor, particularly in

1 these times, if I could through the -- may I pass up exhibits  
2 I'd like to refer to --

3 THE COURT: Sure.

4 MR. MC COOL: -- in the next part of my argument?

5 Oh, Your Honor, you know what? I think what I've  
6 done is I've sent a bunch of copies of the first exhibit and  
7 not -- or the fourth exhibit and not all of them. If I may  
8 readjust here?

9 THE COURT: Okay.

10 MR. MC COOL: Let me see that whole stack. Thanks, I  
11 appreciate it.

12 Sorry, Your Honor. And then Your Honor has multiple  
13 copies of Exhibit 4. Here you go.

14 I think we need -- here you go. Here you go. That's  
15 No. 1 for His Honor and for counsel.

16 THE COURT: I've got 1, 2, 3, and 4.

17 MR. MC COOL: Yes, sir. Thank you so much. I  
18 appreciate your patience.

19 Your Honor, what I have before the Court are a number  
20 of reports and articles that are -- that speak to the  
21 coronavirus and how it's surging not only just across our  
22 country but particularly in the, in the prison populations, and  
23 Virginia alone has reported 114 cases, as stated in these, in  
24 these articles.

25 And Exhibit 4 speaks about our criminal system



1 holding the number of people we do and how susceptible our  
2 inmate population is to the coronavirus.

3 And my point is this, Your Honor, is that given the  
4 circumstances of this case, given the lack of criminal history,  
5 given the fact that his parents can serve as third-party  
6 custodians --

7 THE COURT: I don't have any evidence in front of me  
8 about his parents being suitable third-party custodians.

9 MR. MC COOL: They're here in court. They're  
10 prepared --

11 THE COURT: You know, it's your burden to have the  
12 evidence in front of me.

13 MR. MC COOL: May I, may I call a witness, Your  
14 Honor?

15 THE COURT: Very well. Has, has Pretrial Services  
16 had a chance to interview them?

17 MR. MC COOL: Your Honor, I just was told to get --  
18 be down here at two.

19 THE COURT: Okay. You're the one who wants to go  
20 forward this afternoon.

21 MR. MC COOL: Yes. And may I, may I, may I present  
22 my evidence? May I call the --

23 THE COURT: Please.

24 MR. MC COOL: Yeah.

25 THE COURT: I'll make a determination.

Sanders - Direct

18

1 DR. RISA EDWARDS SANDERS, DEFENDANT'S WITNESS, SWORN

2 DIRECT EXAMINATION

3 BY MR. MC COOL:

4 Q. Good afternoon, ma'am.

5 A. Hello.

6 Q. Could you please state your full name and spell your name  
7 for the court reporter, please.

8 A. Risa, R-i-s-a, Edwards Sanders.

9 Q. All right. And what is your profession, ma'am?

10 A. I'm a licensed clinical psychologist.

11 Q. And do you live in, in Virginia?

12 A. Yes, I do.

13 Q. All right. And is that a residential home, without  
14 stating your address?

15 A. Yes, it is.

16 Q. All right. And do you recognize Zackary Sanders here?

17 A. Yes, I do.

18 Q. Could you tell His Honor who -- what's your relationship  
19 to Zackary Sanders?

20 A. I'm Zack's mom.

21 Q. Okay. And who lives at your home?

22 A. My husband and I and Zack.

23 Q. Okay. And do you -- and does anyone else live there?

24 A. No.

25 Q. All right. Anyone under the age of 18 visit your home?

Sanders - Cross

19

1 A. No.

2 Q. All right. Would you, would you be willing to act as a  
3 third-party custodian for, for your son?

4 A. Yes, I would.

5 Q. All right. Would you be willing to have him  
6 electronically monitored at your home?

7 A. Yes, I would.

8 Q. And would you, would you take steps to assure the Court  
9 that your son did not have access to the internet while he's at  
10 his home?

11 A. Yes, I will.

12 MR. MC COOL: All right. That's all I have on  
13 direct, Your Honor.

14 THE COURT: Very well. Cross-examine her.

15 CROSS-EXAMINATION

16 BY MR. CLAYMAN:

17 Q. Good afternoon.

18 A. Hello.

19 Q. How long has Zackary Sanders lived with you?

20 A. Well, almost all of his life other than when he went to  
21 college.

22 Q. And most recently, how long has he lived with you?

23 A. I think it's been maybe two years.

24 Q. So in, in November of 2019, he was living with you; is  
25 that right?

Sanders - Cross

20

1 A. I have, I have to think about that. I know that he  
2 graduated from college in May of 2017, so probably, yes.

3 Q. And if you had to guess --

4 THE COURT: We're talking about the time period of  
5 October and November of 2019 to the present. So this is last  
6 year.

7 THE WITNESS: I think so. Yes, Your Honor.

8 THE COURT: Well --

9 THE WITNESS: Yes.

10 THE COURT: I'm sorry.

11 THE WITNESS: Sorry.

12 THE COURT: It hasn't been that long. Has he been  
13 living with you for the past six months?

14 THE WITNESS: Yes.

15 THE COURT: Well, why, why is there any hesitation  
16 when we ask October 2019 to the present?

17 THE WITNESS: I'm just a --

18 THE COURT: You seem to be confused.

19 THE WITNESS: No. I'm just trying to remember when  
20 he graduated from college and then moved back to this area. So  
21 I'm just trying to do the math in my head. I'm sorry, I'm just  
22 a little nervous.

23 THE COURT: Okay.

24 BY MR. CLAYMAN:

25 Q. And if you had to guess, approximately how many electronic

Sanders - Redirect

21

1 devices capable of accessing the internet do you have in your  
2 home?

3 A. Counting all my husband's and mine?

4 Q. Yes.

5 A. I have three; my husband has two; and, and Zack has a  
6 Smartphone.

7 MR. CLAYMAN: Okay. Nothing further.

8 THE WITNESS: Six. Sorry.

9 MR. CLAYMAN: Nothing further, Your Honor.

10 THE COURT: Okay.

11 MR. MC COOL: Briefly, Your Honor? May I redirect?

12 THE COURT: Sure.

13 MR. MC COOL: Thank you.

14 REDIRECT EXAMINATION

15 BY MR. MC COOL:

16 Q. Dr. Sanders, would you be willing to assure the Court that  
17 you would secure any devices that would allow your son to  
18 have -- gain access to the internet if he was released into  
19 your custody?

20 A. Absolutely. I mean, my devices are not accessible to  
21 anyone anyway because I am in a profession that requires HIPAA  
22 compliance, so no one goes near my devices, and same for my  
23 husband. I don't see where that would be a challenge at all to  
24 secure those devices.

25 THE COURT: Okay.

Sanders - Redirect

22

1 MR. MC COOL: Thank you, Your Honor. That's all I --  
2 that's all I have.

3 THE COURT: Okay. You may step down. You may step  
4 down. Thank you.

5 THE WITNESS: Thank you.

6 (Witness excused.)

7 THE COURT: Okay. Any other offers of evidence or  
8 argument you want to make on the issue of detention?

9 MR. MC COOL: No, Your Honor. I would just proffer  
10 that if, if Dr. Jay Sanders was, was called as a witness, that  
11 he would testify similar to his wife, and if Your Honor would  
12 accept that proffer --

13 THE COURT: Okay.

14 MR. MC COOL: -- then I will forgo calling him as a  
15 witness.

16 THE COURT: All right. So help me understand now  
17 that we know a little bit more about his parents and that he  
18 was living in that house with his parents, how we can be  
19 assured that he wouldn't continue the same conduct that he was  
20 doing while he was living in the house with his parents.

21 MR. MC COOL: Well, I think, Your Honor, through  
22 Pretrial Services and through other, you know, mechanisms of  
23 securing devices, I mean, the, the FBI has seized most of the  
24 electronics that were in the house. Those that remain are,  
25 are -- belong to the, Dr. Jay Sanders and Dr. Risa Sanders, and

1 they would secure those devices.

2 He wouldn't have any access to the internet. He  
3 could be on electronic monitoring. He could remain in the home  
4 all day. He wouldn't be out in the community, and it would  
5 assure his appearance in court, and it would alleviate any  
6 danger that he may have to the community.

7 THE COURT: Okay. Sir, would you please stand?

8 Sir, you've been charged with a very serious offense,  
9 one in which is disturbing in its nature and scope. Having  
10 found that there is probable cause for the charged offense, not  
11 just on that one instance but references to other similar type  
12 messages and communications that you've been having for an  
13 extended period of time, I don't find that there's any single  
14 condition or combination of conditions that I would reasonably  
15 be assured that the safety of the community could be taken care  
16 of.

17 I don't think you've overcome the presumption. The  
18 mere fact that, you know, you have an education and that you  
19 have parents that you were living with in which you were able  
20 to conduct this conduct in your home under their supervision at  
21 the time certainly doesn't overcome the presumption in my mind.

22 So I'm going to require you to remain in custody  
23 pending further proceedings in this matter, okay? Thank you.

24 Thank you, counsel.

25 MR. MC COOL: Your Honor, may I be -- may I address

1 the Court, please?

2 THE COURT: Sure.

3 MR. MC COOL: Not to relitigate anything, just to  
4 seek guidance. Your Honor, my client has, has contacts, and  
5 I'm not sure if he's allowed to take these with him, and he  
6 also has -- takes a prescription for severe migraines, and how  
7 do -- can -- could Your Honor order that he be allowed to take  
8 the contacts with him so that he can see?

9 THE COURT: Does he have these contacts in right now?

10 THE DEFENDANT: They're disposable, one a day. So I  
11 put (inaudible) in every day. And for my migraine condition, I  
12 can't wear glasses, because if there's pressure on these  
13 things, I get a (inaudible).

14 MR. MC COOL: I have a box. It's open but it has  
15 sealed contacts in, in them, Your Honor.

16 THE COURT: Well --

17 MR. MC COOL: I'm not sure about the prescription  
18 medication.

19 A VOICE: That's a matter that they can take up with  
20 Alexandria Jail, but we're not allowed to accept anything.

21 THE COURT: Yeah.

22 MR. MC COOL: Okay. That's fine.

23 THE COURT: I mean, you'll have to deal with that at  
24 ADC.

25 MR. MC COOL: Yes, Your Honor. I just --



1 THE COURT: Okay? Yeah.

2 MR. MC COOL: I'm sorry to bother the Court with it.

3 THE COURT: No, that's, that's -- I'm sorry, I wish I  
4 could help more, but --

5 MR. MC COOL: Yes, sir.

6 THE COURT: -- they're the ones who are going to be  
7 supervising him.

8 MR. MC COOL: All right.

9 THE COURT: Okay?

10 MR. MC COOL: I appreciate being heard.

11 THE COURT: Thank you.

12 MR. MC COOL: Thank you.

13 THE COURT: All right.

14 MR. MC COOL: Your Honor, may I be excused?

15 THE COURT: Yes, please.

16 MR. MC COOL: Thank you, sir.

17 THE COURT: Thank you.

18 (Which were all the proceedings  
19 had at this time.)

20 CERTIFICATE OF THE TRANSCRIBER

21 I certify that the foregoing is a correct transcript from  
22 the official electronic sound recording of the proceedings in  
23 the above-entitled matter.

24

25

/s/  
Anneliese J. Thomson